

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

AMO DEVELOPMENT, LLC, AMO
MANUFACTURING USA, LLC and
AMO SALES AND SERVICE, INC.,

Plaintiffs,

v.

ALCON VISION, LLC, ALCON
LABORATORIES, INC. and ALCON
RESEARCH, LLC,

Defendants.

ALCON INC., ALCON RESEARCH,
LLC, and ALCON VISION, LLC,

Counterclaim Plaintiffs,

v.

AMO DEVELOPMENT, LLC,
AMO MANUFACTURING USA, LLC,
AMO SALES AND SERVICE, INC.,
and JOHNSON & JOHNSON
SURGICAL VISION, INC.,

Counterclaim Defendants.

C.A. No. 20-842-CFC-JLH

JURY TRIAL DEMANDED

**JOINT MOTION FOR A TELECONFERENCE
TO RESOLVE A DISCOVERY DISPUTE**

Defendants/Counterclaim-Plaintiffs (collectively, “Alcon”) respectfully move the Court to schedule a teleconference to address outstanding discovery disputes as set forth below. Relevant to these disputes is Plaintiffs’/Counterclaim-Defendants’ (collectively, “J&J Vision’s”) alleged delay in bringing suit. The parties have the following disputes:

1. Whether J&J Vision should be ordered to supplement its response to Alcon’s Interrogatory No. 5 concerning J&J Vision’s inspections of the LenSx system.

2. Whether J&J Vision should be ordered to supplement its response to Alcon’s Interrogatory No. 17 requesting J&J Vision to “[d]escribe in detail J&J’s considerations in when to bring suit.”

3. Whether J&J should be ordered to produce certain communications, documents, and information consistent with Alcon’s Request for Production Nos. 23, 36, 80, 81, and 133, seeking the underlying documents related to Alcon’s Interrogatory Nos. 5 and 17.

4. Whether J&J Vision should be compelled to answer questions related to document retention in connection with the inspection of the LenSx in 2014.

The following attorneys, including at least one Delaware Counsel and at least one Lead Counsel per party, participated in telephonic meet-and-confers on one or

more of the above issues on at least the following dates: September 20, 2021, October 22, 2021, and November 9, 2021.

Delaware Counsel:

Defendants/Counterclaim Plaintiffs: John W. Shaw

Plaintiffs/Counterclaim Defendants: Jack B. Blumenfeld

Lead Counsel:

Defendants/Counterclaim Plaintiffs: Noah S. Frank

Plaintiffs/Counterclaim Defendants: Rachel Weiner Cohen

The parties are available for a teleconference on December 17, 2021, but can be available on December 13 or 14 if more convenient for the Court.

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Dated: November 24, 2021

/s/ Nathan R. Hoeschen

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